

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments. Claims 1-25 are rejected. Claims 1-25 remain pending in the case. Claims 1, 10, 17 and 25 are amended herein. New Claims 26-28 are added herein. No new matter has been added.

CLAIM REJECTIONS - 35 U.S.C. § 112, second paragraph

Claims 10 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 has been amended herein, replacing the word "provided" with the word "provide." Therefore, Applicants respectfully submit that Claim 10 overcomes the rejection under 35 U.S.C. § 112, second paragraph.

CLAIM REJECTIONS - 35 U.S.C. § 102(e)

Claims 1-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent 5915,001 by Uppaluru, hereinafter the "Uppaluru" reference. Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1-22 is not anticipated by Uppaluru.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method of providing streaming content from the Internet to a telephone using a computer system, the computer system including a telephone interface system coupled in communications with an Internet access system, the telephone interface system being coupled in communications with the telephone, the method comprising:

receiving an Internet access request at an execution engine of the computer system, the Internet access request based at least in part on an implicit preference of a user profile and corresponding to streaming content of an Internet site outside of the computer system, wherein the user profile is automatically modified to include the implicit preference in response to a user repeatedly accessing streaming content associated with the Internet site and without the user explicitly directing the computer system to add the implicit preference to the user profile;

receiving the streaming content from the Internet site at a streaming engine of the computer system, the streaming content including an audio portion; and

sending at least the audio portion of the streaming content from a telephone gateway over the telephone interface system to send an audio signal, corresponding to the audio portion, to the telephone.

Independent Claim 17 recites similar limitations. Claims 2-16 that depend from independent Claim 1 and Claims 18-22 that depend from independent Claim 17 provide further limitations descriptive of the features of the present invention.

Claim 1, and similarly Claim 17, recites the limitation of “wherein the user profile is automatically modified to include the implicit preference in

response to a user repeatedly accessing streaming content associated with the Internet site and without the user explicitly directing the computer system to add the implicit preference to the user profile” (emphasis added). Uppaluru fails to teach or suggest this claim limitation. On the contrary, Uppaluru teaches a system and method for providing and using universally accessible voice and speech data files. In particular, Applicants understand Uppaluru to teach a system for presenting information based on a user accessing a personal voice web that is populated with subscriber input.

The claimed embodiments of the present invention provide a method for providing streaming content over a telephone interface wherein an Internet access request based on an implicit preference of a user profile is received, “wherein the user profile is automatically modified to include the implicit preference in response to a user repeatedly accessing streaming content associated with the Internet site and without the user explicitly directing the computer system to add the implicit preference to the user profile.” A user profile is comprised of information implicitly gathered “based on the user’s behaviors and actions” during a call (page 30, lines 21-22, emphasis added). In particular, content in a topic may be adopted as an implicit preference in response to a user repeatedly requesting the content (page 32, lines 16-18). Thus, the claimed embodiments provide streaming content to a user in response to an Internet request based at least in part on an implicit preference of a user profile. As such, streaming content can be provided to a user without

the user explicitly requesting the content. In particular, the user personalization profile is based on actions and behaviors of the user.

In contrast, Uppaluru teaches a system for presenting information over a telephone, wherein the information is presented in response to an explicit request for the information (see col. 18, lines 5-8 and 30-33, col. 19, lines 36-38, and col. 20, lines 23-25). In particular, a specific action by a user is required to receive information. Furthermore, Uppaluru teaches automatic query form fill in for requested information (col. 19, lines 7-23). The query form is filled in from information included in a preferences page that is explicitly generated by the user (col. 10, lines 9-13). Service pages and forms are used to gather subscriber input, to retrieve information and to deliver information (col. 10, lines 31-34). More particularly, the query form is completed only in response to an explicit user request (col. 19, lines 36-45). Applicants respectfully assert that the preferences page as taught in Uppaluru is updated in response to explicit user-entered information.

Applicants respectfully submit that Uppaluru does not teach, describe or suggest a method for providing streaming content over a telephone interface “wherein the user profile is automatically modified to include the implicit preference in response to a user repeatedly accessing streaming content associated with the Internet site and without the user explicitly directing the computer system to add the implicit preference to the user profile,” as claimed.

In particular, the system as taught in Uppaluru does not teach or suggest that a user profile is automatically modified in response to a user repeatedly accessing streaming content associated with an Internet site. On the contrary, Uppaluru teaches a system where the user preferences are only updateable based on explicit user-entered information.

Applicants respectfully assert that Uppaluru fails to teach, disclose or suggest the present invention as recited in independent Claims 1 and 17 and that Claims 1 and 17 are thus in condition for allowance. Therefore, Applicants respectfully submit that Uppaluru also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-16 that are dependent on allowable base Claim 1, and Claims 18-22 that are dependent on allowable base Claim 17. Applicants respectfully submit that Claims 2-16 and 18-22 overcome the rejection under 35 U.S.C. § 102(e) as these claims are dependent on allowable base claims.

Moreover, Applicants respectfully assert that Uppaluru does not teach, describe or suggest the embodiments as recited in Claims 11, 12 and 18-20. Claims 11 and 12 recite the limitation of “mixing the audio portion with the second audio portion” to generate a mixed signal, as claimed. Similarly, Claim 18 recites the limitation of “a second program to cause at least some sounds to be mixed with the streaming audio signal for generating a mixed signal” (emphasis added). As described in the current specification, embodiments of

the present invention provide for the mixing of audio signals to generate a mixed signal (page 46, line 10 through page 47, line 10).

In contrast, Uppaluru is silent as to the mixing of multiple audio signals. Therefore, Applicants respectfully assert that Uppaluru does not teach, describe or suggest the present invention as recited in Claims 11, 12 and 18-20, and that these Claims overcome the rejection under 35 U.S.C. § 102(e).

CLAIM REJECTIONS - 35 U.S.C. § 103(a)

Claims 1-9, 13-15, 17, 18 and 21-25 are rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent 5,799,063 by Krane, hereinafter the "Krane" reference, in view of what would have been obvious to one of ordinary skill in the art at the time of invention. Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1-9, 13-15, 17, 18 and 21-25 is not obvious over the combination of Krane in view of what would have been obvious to one of ordinary skill in the art at the time of invention.

Independent Claims 17 and 25 recite similar limitations to independent Claim 1. Claims 2-9 and 13-15 that depend from independent Claim 1 and Claims 18 and 21-24 that depend from independent Claim 17 provide further limitations descriptive of the features of the present invention.

Claim 1 recites the limitation of a method for providing streaming content over a telephone interface “wherein the user profile is automatically modified to include the implicit preference in response to a user repeatedly accessing streaming content associated with the Internet site and without the user explicitly directing the computer system to add the implicit preference to the user profile.” Krane fails to teach or suggest this claim limitation. On the contrary, Krane teaches a system and method of providing access to pre-recorded audio messages via the Internet. In particular, Applicants understand Krane to teach a system for presenting information based on an explicit request for information.

As described in the claimed embodiment of the present invention, a method is provided for streaming content over a telephone interface wherein the streaming content is requested based on an implicit preference of the user profile. As described above and in the present specification, a user profile is comprised of information implicitly gathered “based on the user’s behaviors and actions” during a call (page 30, lines 21-22, emphasis added). In particular, content in a topic may be adopted as an implicit preference in response to a user repeatedly requesting the content (page 32, lines 16-18). Thus, the claimed embodiments provide streaming content to a user in response to an Internet request based at least in part on an implicit preference of a user profile. As such, streaming content can be provided to a user without the user explicitly requesting the content. In particular, the user personalization

profile is based on actions and behaviors of the user, such as a user repeatedly requesting content, as claimed.

Thus, the claimed embodiments provide streaming content to a user in response to an Internet request based on an implicit preference of a user profile. As such, streaming content can be provided to a user without the user explicitly requesting the content. In particular, the user personalization profile is based on actions and behaviors of the user.

In contrast, Krane teaches a system for presenting information over a telephone, wherein the information is presented in response to an explicit request for the information. Specifically, a user is required to login to the subscription service (col. 5, lines 18-38). Once the user has logged in, the user “listens and selects” (emphasis added) from a menu of sites (col. 5, lines 39-43). The user makes a selection by either stating a verbal command or interacting with the keypad (col. 5, lines 43-47). In particular, a specific action by a user is required to receive information. Furthermore, accessing a site from a user’s favorite web sites list requires an explicit request (col. 5, lines 39-43). The favorite web sites list is explicitly created by a user indicating which sites to include in the list (col. 5, lines 62-65). In particular, Krane describes a system where the information is presented in response to an explicit user command.

Applicants respectfully submit that Krane does not teach, describe or suggest a method for providing streaming content over a telephone interface wherein the streaming content is implicitly requested. In particular, the system as taught in Krane does not teach or suggest a method for providing streaming content to a telephone in response to an Internet request based on an implicit preference of a user profile. On the contrary, Krane teaches a system where the information is presented based on an explicit user command.

Moreover, the combination of Krane and what would have been obvious to one of ordinary skill in the art at the time of invention fails to teach or suggest this claim limitation because what would have been obvious to one of ordinary skill in the art at the time of invention does not overcome the shortcomings of Krane. Applicants note that the Examiner has not provided any references as to what would have been obvious to one of ordinary skill in the art at the time of invention, but rather appears to be relying on personal or common knowledge.

Applicants respectfully submit that automatically modifying a user profile “to include the implicit preference in response to a user repeatedly accessing streaming content associated with the Internet site and without the user explicitly directing the computer system to add the implicit preference to the user profile” would not have been obvious to one of ordinary skill in the art at the time of invention. Specifically, the Examiner asserts that customizing content based on the profile of a network user was “notoriously” well known to

one of ordinary skill in the art at the time of the invention, but does not provide any documentary support for this assertion.

It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record. *In re Zurko*, 258 F.3d at 1385 (Fed. Cir. 2001); MPEP 2144.03. Moreover, "[w]hen a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee..." CFR §1.104(d)(2). Therefore, in accordance with CFR §1.104(d)(2) and MPEP 2144.03(C), Applicants respectfully request documentary evidence supporting the Examiners assertion, either in the form of a reference or an affidavit or a declaration, or the rejection withdrawn.

Applicants respectfully assert that the combination of Krane and what would have been obvious to one of ordinary skill in the art at the time of invention does not teach, disclose or suggest the present invention as recited in independent Claims 1, 17 and 25, and that Claims 1, 17 and 25 are thus in condition for allowance. Therefore, Applicants respectfully submit that the combination of Krane and what would have been obvious to one of ordinary skill in the art at the time of invention also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-9 and 13-15 that are dependent on allowable base Claim 1, and Claims 18 and

21-24 that are dependent on allowable base Claim 17. Applicants respectfully submit that Claims 2-9, 13-15, 18 and 21-24 overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

Moreover, Applicants respectfully assert that the combination of Krane and what would have been obvious to one of ordinary skill in the art at the time of invention does not teach, describe or suggest the embodiments as recited in Claims 11, 12 and 18-20. Claims 11 and 12 recite the limitation of “mixing the audio portion with the second audio portion” to generate a mixed signal. Similarly, Claim 18 recites the limitation of “a second program to cause at least some sounds to be mixed with the streaming audio signal for generating a mixed signal” (emphasis added). As described in the current specification, embodiments of the present invention provide for the mixing of audio signals to generate a mixed signal (page 46, line 10 through page 47, line 10).

In contrast, Krane is silent as to the mixing of multiple audio signals. Therefore, Applicants respectfully assert that the combination of Krane and what would have been obvious to one of ordinary skill in the art at the time of invention does not teach, describe or suggest the present invention as recited in Claims 11, 12 and 18-20, and that these Claims overcome the rejection under 35 U.S.C. § 103(a).

Claims 1-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent 6,199,099 by Gershman et al., hereinafter the "Gershman" reference, in view of European Patent 0 847 179 A2 by Mayer, hereinafter the "Mayer" reference. Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1-25 is not anticipated nor rendered obvious by Gershman in view of Mayer.

Claim 1, and similarly Claims 17 and 25, recites the limitation of a method for providing streaming content over a telephone interface "wherein the user profile is automatically modified to include the implicit preference in response to a user repeatedly accessing streaming content associated with the Internet site and without the user explicitly directing the computer system to add the implicit preference to the user profile" (emphasis added). Gershman fails to teach or suggest this claim limitation. Mayer fails to remedy this default. On the contrary, Gershman teaches a system for obtaining information on a mobile computing environment. In particular, Applicants understand Gershman to teach a system that stores a user profile that is generated based on explicit user-entered information.

As described in the claimed embodiment of the present invention, a method is provided for streaming content over a telephone interface wherein the streaming content is requested based on an implicit preference of the user

profile. As described above and in the present specification, a user profile is comprised of information implicitly gathered “based on the user’s behaviors and actions” during a call (page 30, lines 21-22, emphasis added). In particular, content in a topic may be adopted as an implicit preference in response to a user repeatedly requesting the content (page 32, lines 16-18). Thus, the claimed embodiments provide streaming content to a user in response to an Internet request based at least in part on an implicit preference of a user profile. As such, streaming content can be provided to a user without the user explicitly requesting the content. In particular, the user personalization profile is based on actions and behaviors of the user, such as a user repeatedly requesting content, as claimed.

Thus, the claimed embodiments provide streaming content to a user in response to an Internet request based on an implicit preference of a user profile. As such, streaming content can be provided to a user without the user explicitly requesting the content. In particular, the user personalization profile is based on actions and behaviors of the user.

In contrast, Gershman teaches a system for obtaining information over a distributed computer network, wherein the information is presented in response to a query based in part on user input (Abstract, col. 31, lines 35-39, col. 33, lines 63-66, col. 34, lines 22-26, and col. 36, lines 6-9). In particular, a specific action by a user is required to receive information. Furthermore,

Gershman teaches an egocentric interface that is customized according to a user's personal information (col. 30, lines 30-34). Applicants understand the egocentric interface to include only information that has been explicitly entered into a user's personal information (e.g., personal calendar and contact lists). Moreover, Gershman teaches that a customer profile database (Customer Profile Database 1060 of Figure 10A) contains personal information about the customers (col. 31, lines 10-15). Applicants understand this information to be explicitly entered into the customer profile database. Similarly, Applicants understand that the user profile (User Profile 1200 of Figure 12) also only includes explicitly entered information (col. 32, lines 25-52).

Applicants respectfully submit that Gershman does not teach, describe or suggest a method for providing streaming content over a telephone interface "wherein the user profile is automatically modified to include the implicit preference in response to a user repeatedly accessing streaming content associated with the Internet site and without the user explicitly directing the computer system to add the implicit preference to the user profile," as claimed. In particular, the system as taught in Gershman does not teach or suggest modifying a user profile to include an implicit preference based on repeated access to streaming content. On the contrary, Gershman teaches a system where the information associated with a user profile is explicit user-entered information.

Moreover, the combination of Gershman and Mayer fails to teach or suggest this claim limitation because Mayer does not overcome the shortcomings of Gershman. Mayer, alone or in combination with Gershman, does not show or suggest a method for providing streaming content over a telephone interface wherein the streaming content is implicitly requested. As described above, Gershman teaches a system where the information associated with a user profile is explicit user-entered information.

Applicants understand Mayer to teach a system and method for voiced interface with hyperlinked information. In particular, Mayer does not teach a method for providing streaming content over a telephone interface "wherein the user profile is automatically modified to include the implicit preference in response to a user repeatedly accessing streaming content associated with the Internet site and without the user explicitly directing the computer system to add the implicit preference to the user profile," as claimed. The system of Mayer presents an audio browser. However, Mayer is silent as to modifying a user profile to include an implicit preference. Therefore, Applicants respectfully assert that Mayer does not teach, suggest or describe the claimed invention.

Applicants respectfully assert that nowhere does the combination of Gershman and Mayer teach, disclose or suggest the present invention as recited in independent Claims 1, 17 and 25, and that Claims 1, 17 and 25 are thus in condition for allowance. Therefore, Applicants respectfully submit the

combination of Gershman and Mayer also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-16 that are dependent on allowable base Claim 1, and Claims 18-24 that are dependent on allowable base Claim 17. Applicants respectfully submit that Claims 2-16 and 18-24 overcome the rejection under 35 U.S.C. § 103(a) as these claims are dependent on allowable base claims.

Moreover, Applicants respectfully assert that the combination of Gershman and Mayer does not teach, describe or suggest the embodiments as recited in Claims 11, 12 and 18-20. Claims 11 and 12 recite the limitation of “mixing the audio portion with the second audio portion” to generate a mixed signal. Similarly, Claim 18 recites the limitation of “a second program to cause at least some sounds to be mixed with the streaming audio signal for generating a mixed signal” (emphasis added). As described in the current specification, embodiments of the present invention provide for the mixing of audio signals to generate a mixed signal (page 46, line 10 through page 47, line 10).

In contrast, both Gershman and Mayer are silent as to the mixing of multiple audio signals. Therefore, Applicants respectfully assert that the combination of Gershman and Mayer does not teach, describe or suggest the present invention as recited in Claims 11, 12 and 18-20, and that these Claims overcome the rejection under 35 U.S.C. § 103(a).

CONCLUSION

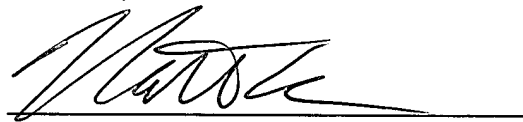
In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-25 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO L.L.P.

Dated: 18 Feb, 2005



Matthew J. Blecher
Registration No. 46,558

Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060